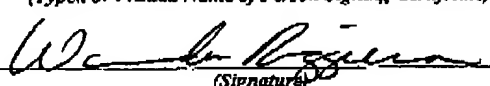


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LBL LLP

JUN 06 2006

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b> Applicant(s): Whitehouse			Docket No. 840.052.203
Application No. 09/901,428	Filing Date 7/9/2001	Examiner K.T. Nguyen	Group Art Unit 2881
Invention: <b>MULTIPOLE ION GUIDE MASS SPECTROMETRY.....</b>			
<p>I hereby certify that this <u>Amendment with copy of Petition</u>  <i>(Identify type of correspondence)</i></p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u>)</p> <p>on <u>June 6, 2006</u>  <i>(Date)</i></p> <div style="text-align: right; margin-top: 40px;"> <u>Wanda Ruggiera</u>  <i>(Typed or Printed Name of Person Signing Certificate)</i>    <i>(Signature)</i> </div> <p style="text-align: center; margin-top: 40px;"> <b>Note: Each paper must have its own certificate of mailing.</b> </p>			

P18/REV02

JUN 06 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: C. M. Whitehouse  
Serial No. 09/901,428  
Filed : July 9, 2001  
Examiner: K. T. Nguyen  
Art Unit: 2881  
For: Multipole Ion Guide Mass Spectrometry...  
Attorney Docket No. 840.052.203

June 6, 2006

**VIA FAX (571) 273-8300**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Sir:

In response to the Official Action of May 22, 2006, submitted herewith is a copy of a Petition to Have Entered an Unintentionally Delayed Domestic Priority Claim which was filed with the PTO on June 2, 2006. With the granting of such petition, it is believed there is adequate continuity to the listed and identified patents and patent applications, and that there is now copendency.

The remaining rejections have been addressed in applicant's Briefs on Appeal, and this application should either be returned to the appeal process, or the current rejection should be reconsidered and an interference declared.

Respectfully submitted,

  
Peter L. Berger (Reg. No. 24, 570)

LEVISOHN, BERGER & LANGSAM, LLP  
805 Third Avenue, 19<sup>th</sup> Floor  
New York, New York 10022  
Tel. 212-486-7272 / Fax 212-486-0323  
Customer Number 04617  
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JUN 06 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Whitehouse
Serial No.:	09/901,428
Title:	Multiple Ion Guide
Filing Date:	July 9, 2001
Examiner:	Kiet Tuan Nguyen
Group:	2881
Atty Docket No.:	840.052.203

COPY

PATENT  
APPLICATION

VIA FACSIMILE: 571-273-8300

ATTENTION: Deputy Comm'r for Patent Examination Policy

Mail Stop: Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

06/07/2006 HNGUYEN1 00000039 022105 09901428

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**PETITION TO HAVE ENTERED AN UNINTENTIONALLY DELAYED DOMESTIC  
PRIORITY CLAIM UNDER 37 CFR § 1.78(a)(3) AND MPEP § 1002.02(b)**

Sir:

Applicant submits the instant Petition to have entered the unintentionally delayed priority claim of the above-captioned application to 09/808,468 filed March 14, 2001. It is a continuation thereof. Kindly charge the petition fee of \$1370 (per 37 CFR § 1.17(t)) to the undersigned's Deposit Account No. 02-2105 as well as any other fees necessary to support the instant Petition.

On May 22, 2006, the Examiner issued an Office Action stating that the Applicant failed to claim priority to U.S. Patent Appl'n No. 09/808,468 in a timely manner when it made such claim via an amendment on February 8, 2006. This priority claim is necessary to establish continuity to one or more prior issued U.S. patents which are required to support Applicant's request to provoke an interference. Applicant hereby petitions to have its February 8, 2006 claim of priority entered as unintentionally delayed pursuant to 37 CFR § 1.78(a)(3) and MPEP §

COPY

U.S. Pat. Appl'n No. 09/901,428  
Inventor: Whitehouse  
Petition to Have Entered Unintentionally  
Delayed Priority Claim

1002.02(b).

In accordance with 37 CFR § 1.78(a)(3)(i)-(iii), such a petition must have three components: i) the reference to the prior-filed application, unless previously submitted; ii) the surcharge under 37 CFR § 1.17(t); and iii) a statement that the entire delay in making the priority claim was unintentional. Regarding item i), the reference was submitted via amendment in the application on February 8, 2006. Should an additional reference be required, the Office is respectfully requested to telephone the undersigned prior to denying the Petition so that any errors may be corrected. Regarding item ii), the fee under § 1.17(t) is to be charged to the undersigned's Deposit Account No. 02-2105. Regarding item iii), Applicant and the undersigned respectfully submit that the entire delay between the date that the claim was due under § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

Prompt and favorable consideration on the merits is respectfully requested in light of the pending Office Action of May 22, 2006.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any additional required fee, except for the Issue Fee, for such extension may be charged to Deposit Account No. 02-2105.

Dated: June 2, 2006

Respectfully submitted,

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212-486-0323 (fax)  
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Barry E. Negrin  
Reg. No.: 37,407  
Attorney for Applicant

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